

Sponsor: Mayor Dale Rife
First Reading: 11/7/11
Second Reading: 12/5/11

ORDINANCE #9-11

AN ORDINANCE CREATING THE POSITION OF BUILDING INSPECTOR AND ESTABLISHING BUILDING PERMIT REGULATIONS AND PROCEDURES

BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance #9-11 "An Ordinance Creating the Position of Building Inspector and Establishing Building Permit Regulations and Procedures" be and hereby is enacted, as follows to wit:

Section 1. The Town Council shall each year appoint an individual person to serve as Building Inspector for the Town of Wyoming. The Building Inspector so appointed shall serve a one (1) year term of office; however, there shall be no limit upon the number of terms, consecutive or otherwise, which any Building Inspector so appointed may serve. In the event that the Building Inspector so appointed shall for any reason be unable to fulfill his term, the Town Council shall appoint a successor to serve the balance of any term remaining. It shall be the duty of the Building Inspector, and the Building Inspector is hereby authorized and empowered, to enforce all of the provisions of this Ordinance and to report from time to time to the Town Council on all matters pertaining hereto.

Section 2. No building or structure, or any part or parts thereof, shall be erected, constructed, altered, repaired, removed, demolished, used, or occupied except in conformity with the provisions of this Ordinance. For the purposes of this Ordinance, all of the following improvements shall be deemed to fall within the meaning of a building or structure subject to this Ordinance:

- a. a vehicle commonly referred to as a manufactured home, mobile home, or trailer; and
- b. all other physical improvements to real property, including but not limited to sewer and water facilities, electrical substations and transformers, sidewalks, driveways, curb cuts, pavements, streets, roadways, streetlights, and road signs.

It is the intention of the Town of Wyoming that, for the purposes of this Ordinance, the definition of a building or structure subject to this Ordinance shall be interpreted broadly by the Building Inspector.

Section 3. Before the erection, construction, alteration, repair, removal, demolition, use, or occupancy of any building or structure shall be commenced or undertaken, the person(s), firm, or corporation being the owner or owners, or having custody, charge, possession, or control of or over the building or structure, or the lands or premises upon which such building or structure is to be erected, constructed, altered, repaired, removed, demolished, used, or occupied, or the agent of such owner or owners, shall first secure from the Building Inspector a written permit signed by the Building Inspector which authorizes

the building or structure to be erected, constructed, altered, repaired, removed, demolished, used, or occupied. Before the permit required by this Section is issued by the Building Inspector, the said owner or owners of the property, or his or their agent, shall, before commencing work, submit an application in writing to the Building Inspector, which application shall contain the following information:

- a. The name and residence and business addresses of the owner or owners of the property upon which the proposed work is to be done;
- b. An accurate description of the location of the lands or premises upon which the building or structure is located or upon which the said building or structure is to be erected, constructed, altered, repaired, removed, demolished, used, or occupied;
- c. A description of the work proposed to be done, including, if so required by the Building Inspector, a detailed schematic drawing or plan of the proposed work;

- d. The estimated cost of the work proposed to be done to the building or structure or the estimated cost of the work proposed to be done in the erection, construction, alteration, repair, removal, demolition, use, or occupancy of the building or structure;
- e. The nature of the use to be made of the building or structure, including, if the building or structure is to be used for business or commercial purposes, the nature of such business or commercial purpose; and
- f. If the owner or owners of the property, or his/her or their agent, shall be or employ a general contractor, who may in turn employ or utilize subcontractors at any time during the course of the proposed work, then the application shall also contain the names, addresses, and telephone numbers of any such subcontractors. In the event that the names, addresses, and telephone numbers of any such subcontractors are not disclosed as required by this Ordinance, with the consequence that such subcontractors do not pay any business license fees which otherwise would have been assessed or imposed pursuant to Town of Wyoming Town Code, as amended, then the general contractor shall be responsible and liable for any such business license fees.

Section 4. If the plans, specifications, and application submitted to the Building Inspector conform to the requirements of this Ordinance and/or any ordinances or amendments supplemental hereto, the Building Inspector shall, upon the payment of the permit fee hereinafter established, issue a building permit to such applicant. The plans, specifications, and application shall be either approved or rejected within a period of (10) days from the date of the filing of the plans, specifications, and applications for such building permit.

Section 5. The Building Inspector shall have the power to cancel or revoke any building permit for any material misrepresentation, variation, or departure from the approved plans, specifications, and applications, and also for any false statement or misrepresentations as to a material fact relating to the erection, construction, alteration, repair, removal, demolition, use, or occupancy of such building or structure. Upon the cancellation or revocation of any building permit granted under the provisions of this Ordinance, no further work shall be done except as shall be directed by the Building Inspector in order to protect life or property, until the original or new plans, specifications, and application upon which such permit was issued shall be complied with, or until new plans, specifications, and application shall be approved and a new building permit issued.

Section 6. Permission to use the public streets in the immediate neighborhood where such building or structure is under erection, construction, alteration, repair, removal, demolition, use, or occupancy may be granted by the Building Inspector within such limits as may be necessary for the proper execution of the work incident to such erection, construction, alteration, repair, removal, demolition, use or occupancy. The building permit granted under this Ordinance shall state what portion of the street shall be used and shall require the person or persons, firm, or corporation securing such building permit to keep clear, at all times, all gutters and fire hydrants adjacent to the work and maintain appropriate lighting, as directed by the Building Inspector, on all street obstructions. The building permit shall also require, where appropriate and as directed by the Building

Inspector, that all sidewalks shall be kept open to travel, except where such travel may be dangerous, at which time the area affected by such risk shall be barricaded, and any such barricade shall be removed as soon as the risk to the public use shall be removed.

Section 7. No building permit shall be issued by the Building Inspector pursuant to this Ordinance unless the applicant for said building permit shall pay for the use of the Town the following fees:

- a. For work costing One Thousand Dollars (\$1,000.00) or less, the fee shall be Thirty-Five Dollars (\$35.00).
- b. For work costing more than One Thousand Dollars (\$1,000.00), the fee shall be Thirty-Five Dollars (\$35.00) for the first One Thousand Dollars (\$1,000.00) of cost, plus Four Dollars (\$4.00) for each additional One Thousand Dollars (\$1,000.00) of costs or fraction thereof.

Section 8. Whenever an application for a permit for the erection, construction, alteration, repair, removal, demolition, use, or occupancy of a building or structure shall have been rejected under the provisions of this Ordinance, the applicant for such permit shall have the right to appeal to the Town Council of the Town of Wyoming. Upon the filing of such an appeal with the Town Council, the Town Clerk shall give notice thereof to the Mayor of the Town Council, who shall fix a date for the hearing of such an appeal, which date shall not be less than ten (10) days after the filing of such appeal. At the time of the hearing of such appeal, the appellant, as well as any other person or persons affected by the proposed erection, construction, alteration, repair, removal, demolition, use, or occupancy of such proposed building or structure, shall have a right to be heard.

Section 9. Any building permit issued by the Building Inspector pursuant to this Ordinance shall be valid for a period of one (1) year from the date of issuance. If the work permitted to be done by the building permit is not completed within one (1) year from the date of issuance of the building permit, no further work may be performed in the erection, construction, alteration, repair, removal, demolition, use, or occupancy of the building or structure unless the applicant reapplies for an entirely new building permit in accordance with the provisions of this Ordinance.

Section 10. Upon the completion of any work performed in the erection, construction, alteration, repair, removal, demolition, use, or occupancy of a building or structure, the Building Inspector shall not issue a certificate of occupancy unless and until the person(s), firm, or corporation being the owner or owners, or having custody, charge, possession, or control of or over the building or structure, or the lands or premises upon which such building or structure was erected, constructed, altered, repaired, removed, demolished, used, or occupied, or the agent of such owner or owners, shall first pay for the use of the Town an additional fee of Thirty-Five Dollars (\$35.00).

Section 11. Any sewer or water facilities erected, constructed, altered, repaired, removed, demolished, or used within the Town of Wyoming shall be erected, constructed, altered, repaired, removed, demolished, or used in accordance with standards and specifications determined by the Camden-Wyoming Sewer and Water Authority or the

Department of Natural Resources and Environmental Control of the State of Delaware, whichever agency has governing authority or whichever agency may be appropriate under the circumstances. Any electrical substations or transformers erected, constructed, altered, repaired, removed, demolished, or used within the Town of Wyoming shall be erected, constructed, altered, repaired, removed, demolished, or used in accordance with standards and specifications determined by the appropriate governing agency of the State of Delaware. Any sidewalks, driveways, curb cuts, pavements, streets, roadways, streetlights, and road signs erected, constructed, altered, repaired, removed, demolished, or used within the Town of Wyoming shall be erected, constructed, altered, repaired, removed, demolished, or used in accordance with standards, and specifications determined by the Department of Transportation of the State of Delaware or whichever agency may be appropriate under the circumstances.

Section 12. Any person or persons, firm, association, corporation, or other entity that violates, disobeys, or refuses to comply with the provisions of this Ordinance, or any regulation or administrative order promulgated hereunder, shall, upon conviction thereof, be punished by a fine of not less than Fifty Dollars (\$50.00). Each and every day that any violation of this Ordinance shall continue shall constitute a separate offense punishable hereunder. In order to enforce the provisions of this Ordinance, the Building Inspector is hereby authorized and empowered to initiate civil legal action(s) in the name of the Town of Wyoming, at law, in equity, or otherwise, in any court of competent jurisdiction, including but not limited actions seeking injunctive or other affirmative relief."

Synopsis

This ordinance establishes the position of Building Inspector in the Town of Wyoming, which position is appointed by the Town Council for a one-year term. A building inspector may serve an unlimited number of terms. A building permit is required prior to commencing construction, and this ordinance outlines the information that must be submitted to apply for a building permit. Standards are outlined whereby a building inspector may revoke a building permit. Procedures for using public streets as part of the construction process are outlined, and this ordinance sets the permit fees. This ordinance outlines appeals procedures for applications that are rejected. Building permits are good for one year, and a new building permit must be obtained if construction is not completed within one year. Certificates of occupancy are issued under this permit for a fee, and standards are outlined for the construction of improvements such as sewer, water, electrical, and other street improvements. Penalties are created for violations of this ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on December 5, 2011.

Attest: Parula B. Haddick
Town Clerk

So Certifies:

Frankie Dale Reff
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on
12/7, 2011.

So Certifies:

12/7/11
Date

Panela B. Haddick